

**VILLAGE OF MELROSE
INTOXICATING BEVERAGES - CHAPTER 9**

**9.01 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES;
STATE STATUES ADOPTED:** The provisions of Ch.125, Wis. Stats., defining and regulating the sale, procurement, dispensing and transfer of beverages, including provisions relating to the penalty to be imposed or the punishment for violation of such statutes, are adopted, and made a part of this section by reference. A violation of any of such provisions shall constitute violation of this section.

9.10 LICENSES, PERMITS; AUTHORIZATION REQUIRED.

1. When required: No person except as provided by Sec. 125.06, Stats., shall within the Village of Melrose, serve, sell, manufacture, rectify, brew or engage in any other activity for which this chapter or Ch. 125., Stats., requires a license, permit or other authorization without holding the appropriate license, permit or other authorization as provided in this chapter. See Sec. 125.04(1), Stats.

2. Separate license required for each place of sale: Except for licensed public warehouse, a license shall be required for each location or premises which is in direct connection or communication to each other where intoxicating liquor or fermented malt beverages are stored, sold, or offered for sale. See Sec. 125.04(9), Stats.

9.11 AN ORDINANCE REPEALING AND RECREATING SECTION 9.11 OF THE CODE OF ORDINANCES OF THE VILLAGE OF MELROSE IN RELATION TO CLASSES OF LICENSES; FEES OF THE VILLAGE OF MELROSE.

The Village Board of the Village of Melrose, Jackson County, Wisconsin, do ordain as follows:

SECTION 1: Section 9.11 of the Code of Ordinances of the Village of Melrose is hereby repealed and recreated so as to read as follows:

1. Classes of Licenses, Fees: The following classes and denominations of licenses may be issued by the Village Clerk under the authority of the Village Board after payment of the fee herein specified, which when so issued shall permit the holder to sell, deal or traffic in alcoholic beverages as provided in Sections 125.17, 125.25, 125.26, 125.28, 125.51, and 125.57, Stats. Except as otherwise provided in this section, the full license fee shall be charged for the whole or fraction of any year.
 - a) Class "A" (off-premise beer) fermented beverage retailer's license: \$50.00 per year. See Sec. 125.25, Stats
 - b) Class "B" (on-premise beer) fermented malt beverage retailer's license: \$100.00 per year. See Sec. 125.26, Stats.
 - 1) Six Month. A license may be issued at any time for six months in any calendar year, for which 3/4 of the applicable license fee shall be paid; but such license shall not be renewable during the calendar year in which issued.
 - 2) Picnic. \$1.00 per license.
 - c) Wholesaler's fermented malt beverage license: \$25.00 per year, or fraction thereof. See Sec. 125.28, Stats.
 - d) Retail "Class A" (Off-Premise) liquor license: \$350.00 per year. See Sec. 125.51(2), Stats.
 - e) Retail "Class B" (On-Premise) liquor license: \$350.00 per year. Retail "Class B" (on-premise) liquor license shall permit its holder to sell liquor in original packages or containers in multiples not to exceed one gallon at any one time to be consumed off the licensed premises. Wine may be sold in original packages or otherwise in any quantity to be consumed off the premises. See Sec 125.51(3), Stats.
 - 1) Prorated Fee: A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for

the licenses shall be prorated according to the number of months or fractions thereof remaining until the following June 30.

- 2) Six Month License: Licenses valid for six months may be issued at any time. The fee for license shall be one-half of the annual license fee. The license may not be renewed during the calendar year in which issued.
- f) Pharmacists: \$10.00 per year. See Sec.125.57, Stats.
- g) Operators: \$12.50 per year. See Sec. 125.17, Stats.
- 1) Compliance: Operators' license may be granted to individuals by the Village Board for the purposes of complying with Sections 125.32(2) and 125.68(2), Stats.
 - 2) Application Required: Operators' licenses may be issued only on written application on forms provided by the Village Clerk.
 - 3) Provisional license: A provisional operators' license may be issued under Sec. 125.17(5), Stats., for a fee of \$10.00.
 - 4) Term: Operators' licenses shall be valid for one year and shall expire on June 30 of each year.
 - 5) Age Requirement: Operators' licenses may be granted to any person having attained the age of 18; however, any underage operator so licensed shall be subject to all regulations and penalties contained in this Code and Chapter 125 of the Wisconsin Statutes relating to underage drinking.

SECTION 2: SEVERABILITY

If any part of this ordinance is for any reason found to be invalid or unconstitutional by reason of any decision by any court of competent jurisdiction, such decision shall not affect the validity of any other part of this ordinance.

SECTION 3: CONFLICTING ORDINANCES

All other ordinances or parts of ordinances of the Village of Melrose inconsistent or in conflict herewith are hereby repealed.

SECTION 4: EFFECTIVE DATE

Upon passage and publication, this ordinance shall take effect and be in force as provided by law.

Signed by:
LeRoy Craig, President
Village of Melrose

Attest signed by:
Judith Andersen, Village Clerk
Village of Melrose

Dated: 06/05/2002
Passed: 06/05/2002
Published: 06/26/2002

9.12 LICENSE APPLICATION:

1. **FORM:** Application for a license to sell or deal in intoxicating liquor or fermented malt beverages shall be made in writing on forms prescribed by the State Department of Revenue, or governing body for operators' licenses and files with the Village Clerk. The premises shall be physically described, including every room and storage space to be covered by the license and including all rooms joined by connecting entrances or not separated by a solid wall.
2. **APPLICATION TO BE NOTARIZED:** Applications shall be signed and sworn to by the applicant as provided by Sec. 887.01, Stats.
3. **DUPLICATE:** Upon approval, a duplicate copy of each application shall be forwarded by the Village Clerk to the State Department of Revenue.

9.13 LICENSE RESTRICTIONS:

1. **STATUTORY REQUIREMENTS:** Licenses shall be issued only to person eligible therefor under Sections 125.04 and 125.33(3)(b), Stats.

9.13 AN ORDINANCE REPEALING AND RECREATING SECTION 9.13(2)(a) OF THE CODE OF ORDINANCES OF THE VILLAGE OF MELROSE WITH REGARD TO LICENSE RESTRICTIONS WITHIN THE VILLAGE OF MELROSE.

The Village Board of the Village of Melrose, Jackson County, Wisconsin, do ordain as follows:

SECTION 1: Section 9.13(2)(a) of the Code of Ordinances of the Village of Melrose is hereby repealed and recreated so as to read as follow:

9.13 LICENSE RESTRICTIONS:

2. LOCATION:

- a) Restrictions: No license shall be issued for a premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church, except that this prohibition may be waived by a majority vote of the Village Board of the Village of Melrose. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church, or hospital to the main entrance of the premises covered by the license or permit. The prohibition in this subsection does not apply to any of the following:
 - 1) Premises covered by a license or permit on June 30, 1947.
 - 2) Premises covered by a license or permit prior to the occupation of real property within 300 feet thereof by any school, hospital, or church building.
 - 3) A restaurant located within 300 feet of a church or school. This paragraph applies only to restaurants in which the sale of alcohol beverages accounts for less than 50% of their gross receipts.

SECTION 2: SERVERABILITY. If any part of this ordinance is for any reason found to be invalid or unconstitutional by reason of any decision by any court of competent jurisdiction, such decision shall not affect the validity of any other part of this ordinance.

SECTION 3. CONFLICTING ORDINANCE: All other ordinances or parts of ordinances of the Village of Melrose inconsistent or in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE: Upon passage and publication, this ordinance shall take effect and be in force as provided by law.

Signed by:
LeRoy Craig, President
Village of Melrose

Attest signed by:
Judith Andersen, Village Clerk
Village of Melrose

Dated: 10/04/2000
Passed: 10/04/2000
Published: 10/25/2000

3. VIOLATORS OF LIQUOR OR BEER LAWS OR ORDINANCES: No license shall be issued to any person who has been convicted of a violation of any federal or state liquor or fermented malt beverage law or the provisions of this section during one year prior to such application. A conviction of a member of a partnership or the partnership itself shall make the partnership or any member thereof ineligible for such license for one year.
4. HEALTH AND SANITATION REQUIREMENTS: No license shall be issued for any premises which does not conform to the sanitary, safety, and health requirements of the State Department of Industry, Labor, and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to the restaurants and to all such ordinances and regulations adopted by the Village
5. LICENSE QUOTA:
 - a) The number of persons and places that may be granted a retail "Class B" (on-premise liquor) is limited to three (3).
 - b) The number of persons and places that may be granted a Class "B" (on-premise beer) license under this section is limited to four (4).
 - c) The number of persons and places that may be granted a Class "A" (off-premises beer) license under this section is limited to three (3).
 - d) See addendum below.

ORDINANCE ADDENDUM SECTION 9.13(5)(d)

AN ORDINANCE REPEALING AND RECREATING SECTION 9.13(5)(d) OF THE CODE OF ORDINANCES OF THE VILLAGE OF MELROSE WITH REGARD TO LICENSE QUOTA WITHIN THE VILLAGE OF MELROSE.

The Village Board of the Village of Melrose, Jackson County, Wisconsin, do ordain as follows:

SECTION 1: Section 9.13(5)(d) of the Code of Ordinances of the Village of Melrose is hereby repealed and recreated so as to read as follows:

9.13 LICENSE RESTRICTIONS:

5. LICENSE QUOTA:

- d) The number of persons and places that may be granted a "Class A " (off-premises liquor) license under this section is limited to three (3).

SECTION 2: SERVERABILITY. If any part of this ordinance is for any reason found to be invalid or unconstitutional by any reason of any decision by any court of competent jurisdiction, such decision shall not affect the validity of any other part of this ordinance.

SECTION 3: CONFLICTING ORDINANCES. All other ordinances or parts of ordinances of the Village of Melrose inconsistent or in conflict herewith are hereby repealed.

SECTION 4: EFFECTIVE DATE. Upon passage and publication, this ordinance shall take effect and be in force as provided by law.

Signed by:
LeRoy Craig, President
Village of Melrose

Attest signed by:
Judith Andersen, Village Clerk
Village of Melrose

Dated: 06/06/2001
Passed: 06/06/2001
Published: 06/13/2001

6. **CORPORATIONS:** No license shall be granted to any corporation when more than one-half of the voting stock interest, legal interest or beneficial interest is held by any person or persons not eligible for a license under this section.
7. **AGE REQUIREMENT:** No license hereunder shall be granted to any person under the legal drinking age.
8. **EFFECT OF REVOCATION OF LICENSE:** Whenever any license had been revoked, at least six months from the time of such revocation shall elapse before another license shall be granted for the same premises and 12 months shall elapse before another license shall be granted to the person whose license was revoked.
9. **DELINQUENT TAXES, ASSESSMENTS, AND CLAIMS:** No license shall be granted for any premises for which taxes, assessments or other claims of the Village are delinquent and unpaid, or to any person delinquent in payment of such claims to the Village.
10. **ISSUANCE FOR SALES IN DWELLINGS PROHIBITED.** No license shall be issued to any person for the purpose of possessing, selling, or offering for sale any alcohol beverages in any dwelling house, flat or residential apartment.

04-2 AN ORDINANCE AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES OF THE VILLAGE OF MELROSE CREATING NEW SUBSECTIONS 9.11(8), 9.12(4) and 9.13(11) IN RELATION TO CLASS “C” WINE LICENSES.

The Village Board of the Village of Melrose, Jackson County, Wisconsin, do ordain as follows:

SECTION 1. CREATION OF NEW SUBSECTION 9.11(8). A new subsection 9.11(8) of the Code of Ordinances of the Village of Melrose is hereby created in relation to a Class “C” Wine License to read as follows:

9.11(8) RETAIL CLASS “C” WINE LICENSE. For the sale of wine (issued under Wisconsin Statutes Section 125.51(3m)(b) for a fee of one hundred dollars (\$100.00) per year. Said Class “C” license shall expire on the 30th day of June in each calendar year.

SECTION 2. CREATION OF NEW SUBSECTION 9.12(4). A new subsection 9.12(4) of the Code of Ordinances of the Village of Melrose is hereby created in relation to the application/publication/notice of change for any Class “C” Wine Licenses issued by the Village of Melrose to read as follows:

9.12(4)ISSUED OF CLASS “C” WINE LICENSE. In order for a Class “C” Wine License to be issued, the following shall be required:

Filing of Application. A written application for a Class “C” wine license shall be filed with the Village Clerk upon forms provided by the Village Clerk. The application shall be filed with the Village Clerk not less than fifteen (15) days prior to the granting of such licenses. The license fee shall be paid to the Village Clerk not less than fifteen(15) days prior to the granting of the license, or such other later time as the Village Board may determine; but, in no case shall the license be issued prior to payment of the fee.

The application shall be filed and sworn to by the applicant, if an individual; by all partners, if a partnership; or, by the president and secretary, if a corporation. Pursuant to sec. 125.51(3m)(c) of the Wisconsin Statutes, the Village Clerk shall not accept an application from a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another.

Publication. The application shall be published at least once in the official Village of Melrose newspaper and the costs of publication shall be paid by the applicant.

Notice of Change. Whenever anything occurs to change any fact set out in the application of any licensee, such licensee shall file a notice with the Village Clerk, in writing, of such changes within ten (10) days after the occurrence thereof.

SECTION 3. CREATION OF NEW SUBSECTION 9.13(11). A new subsection 9.13(11) of the Code of Ordinances of the Village of Melrose is hereby created to establish restrictions on the granting of a Class “C” wine license and the transfer of same to read as follows:

9.13(11) RETRICTIONS ON ISSUANCE/TRANSFER OF CLASS “C” WINE LICENSE:

Granting of License: A Class “C” wine license may be granted to an applicant only if the applicant meets the qualification set forth in sec. 125.04(5) of the Wisconsin Statutes; the premises to be licensed is a restaurant operating under a restaurant license, in which the sale of alcohol beverages accounts for or will account for less than fifty percent (50%) of gross receipts; wine is the only intoxicating liquor sold in the barroom; and no Class “B” license is available, pursuant to the quota set forth in Village of Melrose ordinance.

Each applicant for a Class “C” wine license shall disclose on the application the receipts for the sale of alcohol beverages and the percentage of such sales to the gross sales.

In this subsection, “barroom” means a room that is primarily used for the sale or consumption of alcoholic beverages.

Transfer of License: No person may allow another to use his or her Class “C” wine license.

Permitted Sales: A retail Class “C” wine license, when issued by the Village Clerk under the authority of the Village Board, authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.

Description of Premises. A retail “Class C “ license shall particularly describe the premises for which it is issued.

SECTION 4. SEVERABILITY. If any part of this ordinance is for any reason found to be invalid or unconstitutional by reason of any decision by any court of competent jurisdiction, such decisions shall not affect the validity of any other part of this ordinance.

SECTION 5. CONFLICTING ORDINANCES. All other ordinances or part of ordinances of the Village of Melrose inconsistent or in conflict herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE. Upon passage and publication, this ordinance shall take effect and be in force provided by law.

Signed by:
LeRoy Craig, President
Village of Melrose

Attest signed by:
Judith Andersen, Village Clerk
Village of Melrose

Dated: 05/05/2004
Passed: 05/05/2004
Published: 05/19/2004

9.14 FORM AND EXPIRATION OF LICENSES: All licenses shall be numbered in the order in which they are issued and shall state clearly the specific premises for which granted, the date of issuance, the fee paid and the name of the licensee and, unless sooner revoked, shall expire June 30 thereafter except as otherwise provided. The Village Clerk shall affix his or her affidavit as required by Sec. 125.04 (4), Stats.

9.15 TRANSFER OF LICENSES:

1. **PERSON:** No license shall be transferable as to licensee except as provided by Sec. 125.04(12), Stats.
2. **PLACE:** Licenses issued pursuant to this section may be transferred as provided in Sec. 125.04(12), Stats. Application for such transfer shall be made on blanks furnished by the State Department of Revenue. Proceedings for transfer shall be had in the same manner and forms as the original application.

9.16 POSTING AND CARE LICENSES: Every license or permit required under this chapter shall be framed and posted and at all times displayed as provided in Sec. 125.04(10), Stats. No person shall post such license or permit any other person to post it upon premises other than those mentioned in the application, or knowingly deface or destroy such license.

9.17 REGULATION OF LICENSED PREMISES AND LICENSES:

1. **GAMBLING AND DISORDERLY CONDUCT PROHIBITED:** Each licensed and permitted premises shall at all times be conducted in an orderly manner; and no disorderly, riotous, or indecent conduct or gambling shall be allowed at any time on any such premises.
2. **EMPLOYMENT OF MINORS:** No licensee shall employ any person under 18 years of age to serve, sell, dispense, or give away any alcohol beverage.
3. **SALES BY CLUBS:** No club shall sell intoxicating liquors or fermented malt beverage except to members and guests invited by members.
4. **SAFETY AND SANITATION REQUIREMENTS:** Each licensed premises shall be maintained and conducted in a sanitary manner and shall be a safe and proper place for the purpose for which used.

9.18 CLOSING HOURS: No premises for which and alcohol beverage license have been issued shall remain open for the sale of alcohol beverages:

1. If a wholesale license, between 5 p.m. and 8 a.m., except on Saturday when the closing hour shall be 9 p.m.

2. If a retail Class “A” (off-premise beer), between 12:00 midnight and 8 a.m.
3. If a retail “Class A” (off-premise liquor) license, between 9 p.m. and 8 a.m.
4. If a Class “B” (on-premises beer) or retail “Class B” (on premises liquor) license, between 2 a.m. and 6 a.m., except for Saturdays and Sundays, when closing hours shall be 2:30 a.m. and 6:00 a.m., and on January 1, when premises operating under either a Class “B” or Class “B” license or permit are not required to close. No package, container, or bottle sales may be made after 12 midnight, Monday through Saturdays, and Sunday when time is advanced, or after 8 p.m. on other Sundays.
5. Hotels and restaurants whose principal business is the furnishing of food or lodging to patrons, and bowling alleys and golf courses, may remain open for the conduct of their regular business but no intoxicating liquors or fermented beverages shall be sold during prohibited hours.

9.19 REVOCATION AND SUSPENSION OF LICENSES:

1. **PROCEDURE:** Whenever the holder of any license under this chapter violates any portion of this chapter, proceedings for the revocation or suspension of such license may be instituted in the manner and under the procedure established by Sec. 125.12, Stats., and the provisions herein relating to granting a new license shall likewise be applicable.
2. **AUTOMATIC REVOCATION:** Any license issued under the provisions of this chapter shall stand revoked without further proceedings upon the conviction of a licensee or employee, agent or representative thereof for a second offense under this chapter or for a violation of chapter 125 or 139, Stats., or any other State or federal liquor or fermented malt beverage laws.
3. **EFFECT OF REVOCATION:** See Sec. 9.13(8), above.

9.20 NONRENEWAL OF LICENSES: Before renewal of any license issued under this chapter is refused, a licensee shall be given written notice of any charges or violations or the reasons proposed for nonrenewal and a copy if any proposed motion for nonrenewal and shall have an opportunity to be heard before the Village Board.

9.21 VIOLATIONS BY AGENTS AND EMPLOYEES: A violation of this chapter by an authorized agent or employee of a licensee shall constitute a violation by the licensee.

9.22 MISCELLANEOUS PROVISION:

1. **ADMITTANCE PROHIBITED:** All persons, except the licensee and his bona fide employees specifically involved in maintenance and cleanup, shall be excluded from the licensed premises during the closing hours and all doors into said area shall be closed and locked.
2. **ADMITTANCE REQUIRED:** It shall be unlawful to refuse admittance to any licensed premises at any time upon the verbal request of any police officer, the health officer, or the city building inspector, for the purpose of making an inspection of said premises, or any part thereof.
3. **PUBLICATION:** The provisions of Sec. 125.04(3)(f), Stats., regarding publication of applications for licenses shall also apply to applications to sell fermented malt beverages.

9.30 SELLING, FURNISHING OR GIVING ALCOHOL BEVERAGES TO UNDERAGE PERSONS; PRESENCE IN PLACES OF SALE.

1. **TERMS DEFINED:**
 - a) "Alcohol Beverages" shall mean fermented malt beverages and intoxicating liquor.
 - b) "Department" shall mean the Wisconsin Department of Revenue.
 - c) "Underage Person" shall mean any person who has not attained the legal drinking age.
2. **PROHIBITED ACTIVITY:**
 - a) No person may procure for, sell, dispense, or give away any alcohol beverage to any person under the legal drinking age not accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age.
 - b) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any person under the legal drinking age not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
3. **PENALTIES:**
 - a) A person who commits a violation of sub. (2) is subject to a forfeiture of:
 - 1) Not more than \$500.00 if the person has not committed a previous violation within 12 months of the violation; or
 - 2) Not less than \$200.00 nor more than \$500.00 if the person has committed a previous violation within 12 months of the violation.

- b) A court shall suspend any license or permit issued under this chapter or Chapter 125, Stats., to a person for:
 - 1) Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;
 - 2) Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or
 - 3) Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 other violations.
- c) The court shall promptly mail notice of a suspension under this subsection to the Department and to the clerk of each municipality which has issued a license or permit to the person.

4. PRESENCE IN PLACES OF SALE:

- a) Restrictions: An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter or knowingly attempt to enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This subsection does not apply to:
 - 1) An underage person who is a resident, employee, lodger, or boarder on the premises controlled by the proprietor, licensee, or permittee of which the licensed premises consists or is a part.
 - 2) An underage person who enters or is on a "Class A" retail intoxicating liquor premises for the purpose of purchasing edibles or beverages other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.
 - 3) Hotels, drug stores, grocery stores, bowling alleys, cars operated by any railroad, regularly established athletic fields, stadiums, or public facilities as defined in Sec. 125.51(5)(b)ld, Stats., which are owned by a county or municipality.

- 4) Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in Chapter 27 and 28, Stats., and parks owned or operated by agricultural societies.
- 5) Ski chalets, golf clubhouses, curling clubs, private soccer clubs, and private tennis clubs.
- 6) Premises operated under both Class “B” or “Class B” license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a Class “B” or “Class B” license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
- 7) An underage person who enters or remains on a Class “B” or “Class B” premises for the purpose of transacting business at an auction or market as defined in Sec. 125.32(4)(b)1., Stats., if the person does not enter or remain in a room where alcohol beverages are sold or furnished.
- 8) An average person who enters or remains on a Class “B” or “Class B” premises separate from any room where alcohol beverages are sold or served if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this subsection. An underage person may enter and remain on Class “B” or “Class B” premises under this subsection only if the municipality which issued the Class “B” or “Class B” licensee a written authorization permitting underage persons to be present under this subsection on the date specified in the authorization. Before issuing the authorization, law enforcement agency shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.
- 9) An 18-year old person who is working under a contract with the licensee, permittee, or Corporate agent to provide entertainment for customers on the premises.

- 10) An underage persons who enters or remains in a room on Class “B” licensed premises on a date specified by the licensee or permittee during the times when no alcohol beverages are consumed, sold, or given away. During those times the licensee, the agent named in the license if the licensee is a corporation or a person who has an operator’s license shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises. The licensee shall notify the local law enforcement agency, in advance, of the times underage persons will be allowed on the premises under this subsection.
 - b) A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premises in violation of par. (a) shall be subject to a forfeiture of not more than \$500.00.
 - c) Any underage person who violates any provisions of this section shall be subject to a penalty as provided in Sec. 125.07(4), Stats.
5. DEFENSE OF SELLERS: Proof of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this section:
 - a) That the purchaser falsely represented in writing and supported with other documentary proof that he or she had attained the legal drinking age.
 - b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.
 - c) That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser in belief that the purchaser had attained the legal drinking age.

9.40 UNDERAGE DRINKING:

1. PROHIBITED ACTIVITY. No person under the legal drinking age shall:
 - a) Procure or attempt to procure alcohol beverages.
 - b) Enter, knowingly attempt to enter, or be on licensed premises in violation of Sec. 12.30(4), above.
 - c) Falsely represent his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.

- d) Unless accompanied by his or her parent, guardian or spouse who has attained the legal drinking age, knowingly possess or consume alcohol beverages, except as provided in Sec. 125.07(4)(bm), Stats.

2. PENALTY:

a) By persons Over 18 Years Of Age:

- 1) For first violation, a forfeiture of not more than \$50.00.
- 2) For a second violation within 12 months of the previous violation, a forfeiture of not more than \$100.00.
- 3) For a violation committed within 12 months of latest of two or more previous violations, a forfeiture of not more than \$500.00.

b) By Persons Under 18 Years Of Age: A forfeiture of not more than \$25.00.

9.50 PENALTY: Except as otherwise specifically provided, the penalty for violation of any of the provisions of this chapter shall be as set forth in Sec. 2.30 of this code.